

Attachment 11H(1)

Explanatory Note for DOI: Fish and Wildlife Service (FWS)

November 2, 2009

The Fish and Wildlife Service's (FWS) National Environmental Policy Act (NEPA) compliance report for projects and activities funded under Section 1609 (c) of the American Recovery and Reinvestment Act (ARRA) consists of this note and the attached FWS spreadsheet. The attached spreadsheet documents the NEPA compliance status for all FWS ARRA projects and activities identified or selected through September 30, 2009.

The FWS ARRA reporting procedures have been modified significantly since our initial report. To streamline the reporting process, the projects listed on the attached spreadsheet are aligned with the FWS's ARRA "master project list", which includes a total of 713 ARRA projects identified to date. The revised reporting procedures also account for the disparity between the current project total and the total number of projects reported in our previous (July 14, 2009) submission. Also, in several instances, previously reported projects have been withdrawn and the associated funding reallocated to support other approved ARRA projects. None of these projects were withdrawn due to environmental issues or concerns.

In addition, to be consistent with the FWS ARRA Program Plan, the "Title Program" designations listed in "Column B" are now identified only by the Treasury Appropriation Fund Symbols provided by the Office of Management and Budget, rather than by sub-activity, as reported in the previous FWS ARRA NEPA submission. To further enhance our ability to track the status of projects, each project has been assigned a unique identifying number. Since ARRA reports are cumulative, previously reported projects are included in the current report, with cancellations and withdrawals listed at the end of the spreadsheet.

As was reported previously, NEPA compliance for the majority of the FWS ARRA funded projects is accomplished with the use of applicable categorical exclusions (CEs). The FWS documents CEs by completing Environmental Action Statements or NEPA Compliance Checklists (primarily used for grants) providing information supporting the decision to exclude these projects from further NEPA analysis. Documentation for the majority of the CEs reported as "pending" in the previous FWS ARRA report has been completed. However, NEPA documentation for some projects is still pending, for the following reasons:

1. Final project scope and project design has not been completed or site locations have not yet been identified;
2. Required National Historic Preservation Act cultural reviews are still pending;
3. Surveys to determine appropriate boundaries for installation of refuge fencing were not completed prior to the reporting deadline;
4. A new refuge compatibility determination is required for one project and is currently out for public comment;
5. Several habitat restoration projects require extensive consultation and coordination with the affected State or collaboration with private land owners, which is still in progress; and

6. Several projects are still being evaluated to determine the appropriate level of NEPA analysis required.

Some of our more complex projects require preparation of environmental assessments and environmental impact statements, which we are working to complete in a timely manner. Compliance with other Federal requirements continues on a project-by-project basis, depending on the scope, nature, and extent of each undertaking. Compliance with certain statutory requirements, for example, the Clean Water Act or Endangered Species Act, require completed project designs and specifically defined site locations to complete the application process or to fully address impacts to affected species. This is especially true for the construction of refuge visitor centers and for collaborative, landscape level, habitat restoration projects. We are continuing to expedite the completion of these requirements.

There are currently 57 withdrawn projects. None of these identified projects were withdrawn based on environmental issues or concerns. The associated funds were applied to other approved ARRA projects.

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